

8026 CIVIL DOCKET 8026

UNITED STATES DISTRICT COURT

Jury demand date:

H. VEARLE PAYNE

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | | | |
|--|--------------|--|--|------|---------------------|------|-------|
| UNITED STATES OF AMERICA, <div style="text-align: right;">Plaintiff,</div> vs. CONTINENTAL OIL COMPANY, AMERICAN PETROFINA COMPANY OF TEXAS, and SPENCER AND COMPANY, INC., CODSEN OIL AND CHEMICAL COMPANY, <div style="text-align: right;">Defendants.</div> | | For plaintiff: Hon. John N. Mitchell Attorney General Hon. Richard W. McLaren Asst. Attorney General Baddia J. Rashid, Attorney Robert B. Hummel, Attorney Department of Justice Washington, D. C. 20530 Honorable Ruth G. Streater Victor R. Ortega United States Attorney P. O. Box 607 Albuquerque, New Mexico 87103 Raymond W. Philipps Alan W. Pettis Phrasel L. Shelton Dept. of Justice, Antitrust Division For defendant: 1307 U. S. Courthouse 312 North Spring Street Los Angeles, Calif. 90012 (SEE NEXT PAGE FOR ATTORNEYS FOR DEFENDANTS) | | | | | |
| NATURE: Conspiracy in restraint of interstate trade and commerce. | | | | | | | |
| STATISTICAL RECORD | COSTS | | | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed | Clerk | | | | | | |
| J.S. 6 mailed | Marshal | | | | | | |
| Basis of Action: | Docket fee | | | | | | |
| | Witness fees | | | | | | |
| Action arose at: | Depositions | | | | | | |

8026 Civil

| DATE 1969 | PROCEEDINGS | Date Order or Judgment Noted |
|--------------|--|---------------------------------|
| April 30 | Filing Complaint. JS 5 Summons, original and three service copies, with copies of complaint attached, issued and delivered to U. S. Marshal for service on defendants. | jse |
| May 2 | Filing Summons with return showing Spencer & Company served 5/1/69. | cs |
| May 12 | Filing Return on Service of Writ showing American Petrofina Co. of Texas served by serving C. W. Shouse, vice-president on May 6, 1969. | cat |
| May 16 | Filing Return on Service of Writ showing defendant served by serving Bruce Merrill, Executive Administrator for Continental Oil Co. served on May 12, 1969. | cat |
| May 21 | Filing Original Answer of Spencer and Company, Inc. (no counter-claim) | jse |
| May 26 | Filing Appearance of counsel for defendant Continental Oil Company. | jse |
| May 26 | Filing Original Answer of American Petrofina Company of Texas. | mf |
| May 29 | Filing Motion for extension of time to answer by defendant Continental Oil. | |
| May 29 | Filing and entering Order extending time for defendant Continental Oil Co. to answer until July 2, 1969. (Payne) | |
| | Copies mailed to counsel as notice of entry. | cat |
| Juh. 20 | Filing Motion of Continental Oil Co. for Further Extension of Time to Plead. Filing and entering Order granting defendant Continental Oil Co. extension of time until August 1, 1969 to respond.(Payne) for pltf. and Cont. Oil. Copies mailed to counsel/as notice of entry. | cat |
| f, July 29 | Filing Answer of Continental Oil Co, (No counterclaim) | cat |
| Nov. 3 | Filing Plaintiff's Request for Admissions directed to Spencer & Co. Filing Plaintiff's Request for Admissions directed to Continental Oil Co. Filing Plaintiff's Request for Admissions directed to American Profina Co. | |
| Nov. 14 | Filing Stipulation between parties that an Order may be entered extending time to December , 1969 for defendants to serve upon plaintiffs a sworn statement denying matters of which an admission is requested etc. | em |
| Nov. 14 | Filing and entering Order granting above Stipulation. (Payne) Copies mailed to counsel as notice of entry. con't | em |

8026 Civil

D. C. 110A Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|------|---|------------------------------|
| | <p>Rain, Harrell, Emery, Young & Doke (Morris Harrell) 4200 Republic National Bank Tower Dallas, Texas 75201 and Verne H. Maxwell Ross B. Lea P. O. Box 2159 Dallas, Texas 75221 and Modrall, Seymour, Sperling, Roehl & Harris (Allen C. Dewey) P. O. Box 2168 Albuquerque, New Mexico 87103 For Defendant Spencer and Company, Inc. and Cosden Oil and Chemical Company and Petrofina, Co. of Texas</p> <p>Bruce R. Merrill P. O. Box 2197 Houston, Texas 76101 77001 and Rodey, Dickason, Sloan, Akin & Robb (W. A. Sloan) P. O. Box 1888 Albuquerque, New Mexico 87103 For Defendant Continental Oil Company.</p> <p>David M. Francis P. O. Box 2197 Houston, Texas 77001</p> | |

Page 2

8026 Civil Con't

D. C. 110A Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|-----------------|--|------------------------------|
| 1969 Dec. 15 | Filing Defendant Continental Oil Company's Reply to Plaintiff's Request for Admissions. | em |
| Dec. 15 | Filing Defendant, Spencer and Company, Inc.'s Response to Request for Admissions | |
| 12/10 | Filing Defendant, American Petrofina Company of Texas', Response to Request for Admissions | mw |
| Jan. 13 | Set for pretrial conference at Albuquerque on trailing docket Friday, Feb. 20, 1970 at 3:30 P.M. | mw |
| Jan. 19 | Pretrial conference setting of Friday, Feb. 20th vacated. | em |
| Dec. 4 | Filing and entering Order that the Cosden Oil and Chemical Co. be made a party defendant to this action, that plaintiff file an amended complaint(PAYNE) | |
| * | Filing Plaintiff's Amended Complaint adding Cosden Oil and Chemical Company a party defendant. | |
| | Filing Answer of Continental Oil Company to Amended Complaint (no counterclaim) | |
| | Filing Amended Answer of American Petrofina Co. of Texas(no c/c) | |
| | Filing Amended Answer of Spencer and Company, Inc.(no counterclaim) | |
| | Filing Answer of Cosden Oil and Chemical Co. to Amended Complaint (no counterclaim) | mw |
| ** | Filing Notice of Motion to Add a Defendant by Amending the Complaint | |
| | Filing Stipulation between parties that the form of Judgment attached may be filed by the Court at any time after the expiration of 30 days following the date of filing of this stipulation | mw |
| Dec. 31 | Filing Application for Leave to Intervene on behalf of The State of New Mexico. | |
| | Filing Objections to Proposed Consent Decree by The State of New Mexico for the reasons set forth in the Application For Leave to Intervene on behalf of The State of New Mexico. | em |
| 1971 | | |
| Jan. 11 | Filing Response and Brief of Continental Oil Company to Objections to Consent Judgment and to Application for Leave to Intervene | mw |
| Jan. 11 | Filing Defendants' Opposition to Objections to proposed Consent Decree and Application for Leave to Intervene on behalf of The State of New Mexico. | em |

8026

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 1971 | | |
| Jan. 12 | Filing Plaintiff's Motion for Enlargement of Time. | |
| | Filing and entering Order that Plaintiff may file its answering brief to Application for Leave to Intervene on behalf of the State of New Mexico any time prior to or including January 14, 1971. (CLERK) | |
| Jan. 13 | Copy mailed to counsel as notice of entry; copy given Judge. | em |
| Jan. 12 | Filing Affidavit of Richard E. Neuman. | |
| | Filing Points and Authorities in support of Motion for Enlargement of Time. | |
| Jan. 15 | Filing Memorandum of Government in opposition to Motion of the State of New Mexico for leave to intervene and in support of proposed Consent Judgment. | em |
| Jan. 20 | Albuquerque/Payne, J./Morrish, acting rep. Called for hearing on Motion of the State of New Mexico to Intervene. After argument, denied. Stipulation and Order submitted in open court. | |
| | Filing Stipulation between the parties | |
| | Filing and entering Order regarding Grand Jury Documents and Testimony and Proceedings; approving Stipulation; that all books, records, etc. shall remain in the custody of the Clerk; any person whose documents are impounded shall have access to such documents after reasonable notice. (Payne) | |
| | Copies to counsel as notice of entry. | csc |
| Jan. 20 | Filing and entering Final Judgment (consent judgment) restraining all defendants; agreement for and marketing of asphalt as recited in the judgment. (Payne) | |
| | Copies to counsel as notice of entry. | |
| | FINAL DOCKET JS 6 | |
| | Filing and entering Order overruling objections of State of New Mexico to proposed consent decree; that application for leave to intervene on behalf of State of New Mexico is denied. (Payne) | |
| | Copies to counsel as notice of entry. | csc |
| Jan. 22 | Filing Transcript of Proceedings had January 20, 1971. | em |
| Sept. 9 | Filing Grand Jury Exhibit. (lodged in cabinet upstairs vault) (in brown paper bag) | mw |